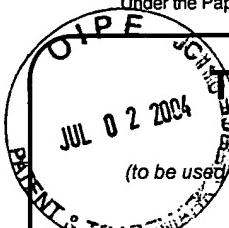


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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10/712,086
Filing Date	November 13, 2003
First Named Inventor	Kazuhisa Yamamoto
Art Unit	2821
Examiner Name	Don Kitsun Wong
Attorney Docket No.	YAO-3750US2

ENCLOSURES (Check all that apply)

- Fee Transmittal Form
 - Fee Attached
- Amendment/Reply
 - After Final
 - Affidavits/Declaration(s)
- Extension of Time Request
- Express Abandonment Request
- Information Disclosure Statement
- Certified Copy of Priority Document(s)
- Response to Missing Parts/
Incomplete Application
 - Response to Missing Parts under
37 CFR 1.52 or 1.53

- Drawing(s)
- Licensing-related Papers
- Petition
- Petition to Convert to a Provisional Application
- Power of Attorney, Revocation, Change of Correspondence Address
- Terminal Disclaimer
- Request for Refund
- CD, Number of CD(s) _____

- After Allowance Communication to Group
- Appeal Communication to Board of Appeals and Interferences
- Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
- Proprietary Information
- Status Letter
- Other Enclosure(s) (please identify below): Copy of Notice of Non-Compliant Amendment; Postcard

Remarks:**SIGNATURE OF APPLICANT, ATTORNEY OR AGENT**

Firm or Individual Name	Daniel N. Calder	Registration No. (Attorney/Agent)	27,424
Signature			
Date	June 30, 2004		

CERTIFICATE OF TRANSMISSION / MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this date:

Typed or printed name	Lorraine C. Fox		
Signature		Date	June 30, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, ALEXANDRIA, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appln. No: 10/712,086
Applicant: Kazuhisa Yamamoto et al.
Filed: November 13, 2003
Title: OPTICAL DEVICE, LASER BEAM SOURCE, LASER APPARATUS AND METHOD OF PRODUCING OPTICAL DEVICE
T.C./A.U.: 2821
Examiner: Don Kitsun Wong
Confirmation No.: 7925
Docket No.: YAO-3750US2

STATUS REQUEST AND RESPONSE TO OFFICE ACTION

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Status Request seeks the status of a Notice to Vacate the Office Action issued June 4, 2004, and responds to such Office Action.

The Patent Office, by the OIPE, issued to Applicants a Notice of Non-Compliant Amendment (37 C.F.R. 1.121) dated June 4, 2004, a copy of which is enclosed. According to the Notice, the Amendment document filed on November 13, 2003 is considered non-compliant because it has failed to meet the requirements of 37 C.F.R. 1.121. The basis for the Notice was stated as the "Article 34 Amendment is unsigned" (emphasis added). It is Applicants' contention that the filing of the English Translation of an Article 34 Amendment with the filing of the above identified application was proper, and that there was no requirement or need to file a signed copy of the Article 34 Amendment.

The above identified application is a divisional of U.S. Patent Application No. 09/922,978 filed August 6, 2001, which is a divisional of U.S. Patent Application No. 08/073,380, now U.S. Patent No. 6,333,943. The parent application was an international application and thus in filing the above identified application, Applicants included a copy of the English Translation of the Article 34 Amendment filed with the parent application.

Upon receiving the Notice of Non-Compliant Amendment, on June 7, 2004, the undersigned spoke with Eva Gillis, the Legal Instruments Examiner, who signed the Notice, and her supervisor, Ms. Tubbs. According to a follow-up telephone conference on June 8, 2004,

Ms. Tubbs stated that the U.S. PTO made an error in issuing the Notice of Non-Compliant Amendment, and that a Notice to Vacate the Office Action would be issued. But to date, Applicants have not received the Notice to Vacate. Applicants therefore request the status as to when the Notice to Vacate the Office Action will be issued.

Respectfully submitted,

Daniel N. Calder

Daniel N. Calder, Reg. No. 27,424
Attorney for Applicants

DNC/lcf

Enclosure: Copy of Notice of Non-Compliant Amendment

Dated: June 30, 2004

P.O. Box 980
Valley Forge, PA 19482
(610) 407-0700

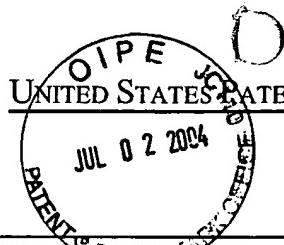
The Commissioner for Patents is hereby authorized to charge payment to Deposit Account No. 18-0350 of any fees associated with this communication.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

June 30, 2004

Lorraine C. Fox

Lorraine C. Fox

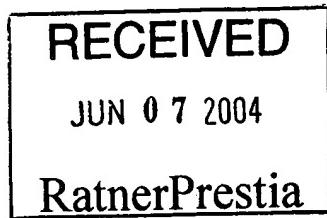


UNITED STATES PATENT AND TRADEMARK OFFICE

DNC/LCP
YAO-3750US2
UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,086	11/13/2003	Kazuhisa Yamamoto	YAO-3750US2	7925

23122 7590 06/04/2004
RATNERPRESTIA
P O BOX 980
VALLEY FORGE, PA 19482-0980



EXAMINER	
WONG, DON KITSUN	
ART UNIT	PAPER NUMBER
2821	

DATE MAILED: 06/04/2004

Rsp to non-compliant
amendment (1mo)
7/14/04 /Jad

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES PATENT AND TRADEMARK OFFICE

JUL 02 2004
PATENT & TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Paper No.

Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 11-13-03 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (see 68 Fed. Reg. 38611, Jun. 30, 2003). In order for the amendment document to be compliant, correction of the following item(s) is required. Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted. 37 CFR 1.121(h).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

1. Amendments to the specification:
 A. Amended paragraph(s) do not include markings.
 B. New paragraph(s) should not be underlined.
 C. Other _____
2. Abstract:
 A. Not presented on a separate sheet. 37 CFR 1.72.
 B. Other _____
3. Amendments to the drawings: _____
4. Amendments to the claims:
 A. A complete listing of all of the claims is not present.
 B. The listing of claims does not include the text of all claims (including withdrawn claims)
 C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified.
 D. The claims of this amendment paper have not been presented in ascending numerical order.
 E. Other: Article 34 Amendment is unsigned

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognocite/officeflyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given ONE MONTH from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this **ONE MONTH** time limit is **not extendable**.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION** (including a submission for an RCE), and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a **TIME PERIOD** of ONE MONTH from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a)**.

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. **The period for response to a final rejection continues to run from the date set in the final rejection**, and is not affected by the non-compliant status of the amendment.

Eva Willis
Legal Instruments Examiner (LIE)

(571) 272-1577
Telephone No.